

**START**

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9401948

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Mail Stop PV-17 • Olympia, Washington 98504-8711 • (206) 459-6000

March 9, 1994

**CERTIFIED MAIL**Mr. John Wagoner, Manager  
U.S. Department of Energy  
P.O. Box 550  
Richland, WA 99352LTC James S. Weller  
U.S. Army Corps of Engineers  
Walla Walla District  
Walla Walla, WA 99362

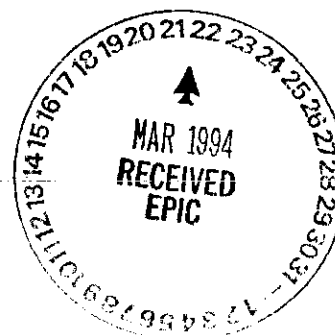
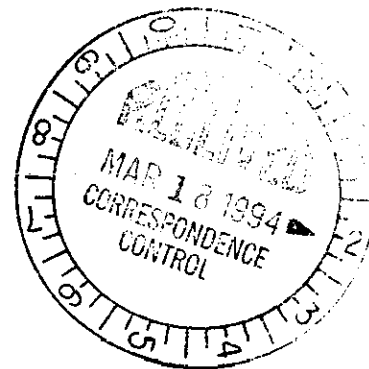
Dear Messrs. Wagoner and Weller:

Enclosed is Notice of Penalty Incurred and Due No. DE 94NM-062. If you have any questions concerning the content of the document, please call Laura Russell, Compliance Inspector, at (509) 736-3024. If you wish to formally contest the penalty, you must follow the procedures described.

Sincerely,

*Drusilla Butler*Drusilla Butler, Manager  
Nuclear Waste Program

Enclosure



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

IN THE MATTER OF PENALTY	)	NOTICE OF PENALTY
ASSESSMENT AGAINST	)	INCURRED AND DUE
U.S. Department of Energy	)	No. DE 94NM-062
and	)	
U.S. Army Corps of Engineers	)	

To: Mr. John Wagoner, Manager  
U.S. Department of Energy  
P.O. Box 550  
Richland, WA 99352

And To: LTC James S. Weller  
U.S. Army Corps of Engineers  
Walla Walla District  
Walla Walla, WA 99362

Notice is given that the Department has assessed a penalty against the U.S. Department of Energy (herein referred to as USDOE) in the amount of \$9,500, and against the U.S. Army Corps of Engineers (herein referred to as USACE) in the amount of \$6,000 under the provisions of the Revised Code of Washington (RCW) 70.105.080.

USDOE is the owner of the Hanford Site in Richland, Washington. USACE is under contract with USDOE to provide environmental remediation and waste management services at the Hanford Site.

These penalties are based on the following Department findings:

Field inspection, personal interviews, and record reviews performed by Ecology in December 1993 and January 1994 revealed that USDOE and USACE were not in compliance with the Dangerous Waste Regulations, Chapter 173-303 WAC, as follows:

1. USACE offered one cubic yard of contaminated soil designating as a dangerous waste from the H-81-R Site to the Richland Landfill, a facility not operating under a permit issued pursuant to Chapter 173-303 WAC, in violation of WAC 173-303-141.
2. USDOE did not provide adequate dangerous waste management training for USACE employees and their subcontractors performing work on the North Slope, in violation of WAC 173-303-330.

Notice of Penalty  
Incurred and Due  
No. DE 94NM-062

9413273-0154

The penalties described here are due and payable by USDOE and USACE within thirty (30) days of your receipt of this Notice. Please send your penalty payment to: Department of Ecology c/o Fiscal Cashier, P.O. Box 5128, Lacey, Washington 98503-0210.


If either USDOE or USACE wish to contest these penalties, two options are available.

(1) You may file an Application for Relief from Penalty with the Department explaining why the Department should reduce or cancel the penalty. A form is enclosed for your convenience. It must be signed under oath before a notary public or other person authorized to take oaths.

If you choose to submit an Application for Relief from Penalty, you must do so within fifteen (15) days of your receipt of this Notice. Send your Application for Relief to: Laura Russell, Compliance Inspector, Department of Ecology, 7601 West Clearwater Avenue, Suite 102, Kennewick, WA 99336. At the same time, send a copy to: Department of Ecology c/o Enforcement Officer, P.O. Box 47600, Olympia, WA 98504-7600. After reviewing your Application for Relief, the Department will notify you of its decision.

(2) If you choose not to submit an Application for Relief but still wish to contest the penalty, you may file an appeal with the Washington Pollution Control Hearings Board. Your appeal must be filed within thirty (30) days of your receipt of this Notice. Send your appeal to: The Pollution Control Hearings Board, P.O. Box 40903, Olympia, WA 98504-0903. At the same time, a copy of your appeal must be sent to Department of Ecology c/o Enforcement Officer, P.O. Box 47600, Olympia, WA 98504-7600. These procedures are consistent with Chapter 43.21B RCW.

DATED this 9 day of March, 1994, at Olympia, Washington.

  
Drusilla Butler, Program Manager  
Nuclear Waste Program  
Department of Ecology

9443273.0155

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

IN THE MATTER OF PENALTY	)	APPLICATION FOR RELIEF
ASSESSMENT AGAINST	)	FROM PENALTY
U.S. Department of Energy	)	No. DE 94NM-062
P.O. Box 550	)	
Richland, WA 99352	)	

To: Laura Russell  
Compliance Inspector  
Washington Department of Ecology  
7601 West Clearwater #102  
Kennewick, WA 99336

Enforcement Officer  
Washington Department of Ecology  
Post Office Box 47600  
Olympia, WA 98504-7600

The U.S. Department of Energy has received your "NOTICE OF PENALTY INCURRED AND DUE" number DE 94NM-062, dated March 9, 1994, which states that the U.S. Department of Energy has been penalized \$9,500.

I have read and understand RCW 9A.72.030 (copy enclosed) which prescribes penalties for making false statements. Included below are my reasons, made under oath and on behalf of U.S. Department of Energy, for reduction or cancellation of this Penalty.

(NOTE: If you need more space, please attach extra pages as necessary)

I swear that these statements are true, accurate, and a complete description of the facts of this case.

By: \_\_\_\_\_

SUBSCRIBED AND SWORN to before this \_\_\_\_\_ day  
of \_\_\_\_\_, 1994.

NOTARY PUBLIC in and for the State  
of Washington.  
My commission expires: \_\_\_\_\_

9413273.0156

RCW 9A.72.030 Perjury in the second degree.

(1) A person is guilty of perjury in the second degree if, with intent to mislead a public servant in the performance of his duty, he makes a materially false statement, which he knows to be false under an oath required or authorized by law.

(2) Perjury in the second degree is a class C felony.  
[1975 1st ex.s. c 260 sec. 9A.72.030]

9403273.0157

# CORRESPONDENCE DISTRIBUTION COVERSHEET

Author

Addressee

Correspondence No.

Drusilla Butler, Ecology

John Wagoner, RL

Incoming: 9401948

James S. Weller, U.S. Army Corps of Engineers

Subject: NOTICE OF PENALTY INCURRED AND DUE NO. DE9<sup>4</sup>5NM-062

## INTERNAL DISTRIBUTION

Approval	Date	Name	Location	w/att
		Correspondence Control	A3-01	X
		S. M. Belisle	H6-20	X
		G. D. Carpenter	H6-30	
		N. E. Darling	H6-21	X
		L. P. Diediker	T1-30	X
		R. H. Engelmann	H6-26	X
		B. G. Erlandson	H6-20	X
		K. A. Gano	X0-21	X
		E. M. Greager	H6-30	X
		G. W. Jackson, Assignee	H6-21	
		R. J. Landon	H6-21	X
		J. J. Luke	H6-25	X
		P. J. Mackey	B3-06	
		H. E. McGuire, Level 1	B3-63	
		S. M. Price	H6-23	X
		L. T. St. Georges	H6-30	X
		S. A. Szendre	H6-30	X
		EPIC	H6-08	X
		RCS File	H6-30	X

